THE
Lord *DELAMERE's*
CHARGE
TO THE
GRAND JURY
OF
CHESTER.

THE CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY

AT THE

QUARTER SESSIONS

Held for the

County of Chester,

On the 11*th* of *October*, 1692.

LONDON:
Printed for *Richard Baldwin* near the *Oxford-Arms* in *Warwick-Lane*. 1693.

THE

CHARGE

Of the Right Honourable

HENRY

Earl of WARRINGTON,

TO THE

GRAND JURY

AT THE

QUARTER SESSIONS

Held for the

County of Chester,

On the 11th of October, 1692.

LONDON:

Printed for Richard Baldwin near the Oxford-Arms in Warwick-Lane. 1693.

THE CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY, &c.

GENTLEMEN,

PEACE in a Nation is like Health in a Natural Body, whose value is not sufficiently known, but by the want of it; and herein God Almighty is wonderfully gracious to this Land, not only in continuing to us the Blessing of Peace, but in teaching us the worth of

of it, by letting us see the Nations round about us in War, and groaning under all the miserable Effects of it, whilst it is kept at a distance from Us, and we are only at some Expence which is unavoidable, all Circumstances considered, unless we will submit to that Monster the *French* King. And indeed God hath done so many and great things for us, that nothing is wanting to compleat our Happiness, but our selves.

Of all the Mercies this Nation hath lately received, I think our Deliverance from King *James* was none of the least, if it be a Mercy to be delivered from Popery and Slavery.

That we were in great danger thereof, I think was very evident from what we had suffered, and what King *James* apparently further designed to have done, had he been let alone a little longer; for his Administration was become so exorbitant, that Men of all persuasions (many of the Papists not excepted) did think his Yoke intolerable, and that it was highly just to be relieved against his Oppressions; for when the Prince of *Orange* landed, scarce any Man appeared for King *James*; nay, a great many of his Army deserted him; which coldness and neglect could not proba-

bly

bly proceed from any thing ſo much as from the ill opinion they had of his Cauſe.

Now if any that were then ſo indifferent, and paſſive, have lately conceived a better Opinion of him, it may well be ſuſpected that a particular Picque, or ſome Siniſter Byas guided their motion at that time; and if ſo, it's no matter what ſide they are on; for thoſe who are governed in ſuch caſes by any thing but a publick Principle, are eaſily turned about by every breath of Air: Nor can I imagine what can give any man a better opinion of King *James* now, than he had of him before he went into *France*, the only place, as he ſays, he could retire to with ſafety; conſidering how improbable it is, that any Inſtructions which that Tyrant may give him, will make him leſs inclined to Popery and Arbitrary Power.

Before I come to the Particulars of your Enquiry, give me leave to ſay ſomething of a great Deliverance which God wrought for us this Year.

To talk of Plots and Conſpiracies againſt the Government, may be rather to tell ſome people News, than that which they do believe; becauſe we have already heard of many Diſcoveries of Plots, but none that have been proſe-

prosecuted; and for that reason men may be inclined to think they were rather Fictitious than real Plots against the Government.

Plots sometimes are not prosecuted, either because of the great indulgence of the Government, being desirous to gain people rather by mercy, than by being too extream to mark what is done amiss; or, it may be, because the Government hath a more than ordinary tenderness for that sort of People; or, it may be, because some of the Ministers of State are concerned in them: But whether for any of these Reasons, or others, it is that we hear of no great Prosecution of those Discoveries that have been made, I will not pretend to determine, time will best explain this, and other Mysteries of the like Nature.

Yet this I will adventure to say, That it is not so safe a Rule to measure Plots by, whether they be true or false, by the remissness or forwardness of the Government in prosecuting of them, as to consider how far it is the interest of the persons accused to carry on such a Design. And herein every man of a reasonable understanding, is as capable of giving a judgment, as the Ministers of State.

I would

I would not encourage any man to be over-credulous in believing of Plots; and yet there are some Conspiracies that carry their own Conviction along with them; as it will always be the interest of the Papists to bring in Popery, and of the Non-Jurors, and those who take the Oaths in a double sense, to bring in King *James*. Nor would I be the occasion of pushing on a Prosecution with too much violence; and yet to be too remiss is an Errour of the other extream, and seems to intimate, That either the Government is afraid of them, and dare not call them to account, or else that it is necessary to oblige that sort of people all it can; and when ever either of those cases fall out, it is sooner or later mischievous, if not fatal to the Government.

I suppose you have heard that King *James* intended to land here the last Spring with a *French* Force; tho this seems to be already forgot by some, yet I am verily perswaded that many people believe it, because of the notoriety of the thing: For they that doubt of it, may as well question whether there was a Gunpowder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect.

It was wonderfully prevented; firſt by the Eaſterly Winds that continued ſo long together; and next by the happy ſucceſs of our Fleet, even beyond what any man could have hoped for at that time: All things conſidered, it was wholly the work of God, and to his ever bleſſed and holy Name be the praiſe and glory of it; tho the Nation hath not yet made ſo publick an acknowledgment of it, as it uſually doth upon leſs occaſions than that was.

The defeating of that Deſign is a mercy never to be forgotten; for we do not yet know of any Deſign that was ever formed againſt this Nation, that could have been more bloody and deſtructive than that would have been.

For King *James* in his Declaration doth expreſly ſay, That his Intent is to ſpend the remainder of his Reign, as he hath always deſign'd ſince his coming to the Crown.

Theſe Words ſpeak a great deal of comfort to *England*, for they cannot mean leſs than what he hath already done.

When he took the Cuſtoms againſt Law.

Carried on Sham-Plots by his countenance and bribery, to deſtroy honeſt and worthy men.

When

When he raviſh'd the Corporations of their Liberties and Franchiſes.

When he turn'd out Judges for acting according to their Conſciences, and fill'd the Benches with the Raff of the Gown.

When he avowedly ſet up Popery, and erected publick Chappels in all parts of the Kingdom.

When he placed notorious Papiſts in the Seats of Juſtice, and brought a Jeſuit into his Councils to preſide publickly there, which was more than any Popiſh Prince ever did.

When he ſate up a High Commiſſion Court.

When he kept up in time of peace a numerous Army, to the terrour of his Subjects, and allowed ſo little for their Quarters, as that it amounted to little leſs than free Quarter.

When he aſſumed a Diſpencing Power, and declared that he would be obeyed without reſerve.

Theſe and a great many other Irregularities were the product of his Reign; and it is not very probable that he is brought to a better temper by any thing that he hath ſeen or learnt from his Converſation with the *French* King; and it is as little probable that that King would have treated him as he hath done, had he diſ-

covered in King *James* any disposition to govern more mildly and reasonably for the future.

How much he is influenced to the contrary, is very evident, by designing to bring in the *French* upon us; the people of all others this Nation ought most to dread, being the old and irreconcilable Enemy of *England*. For whoever looks into History, will find that *France* hath occasioned more trouble to *England*, than all the world besides. Nay, there has scarce been any ill Design against this Nation, but *France* hath had a hand in it; as if their very Climate did necessitate them to be at enmity with us.

When any of the Kings of *England* have had a design upon the Peoples Liberties, they have entred into a Confederacy with *France*, as the People of all others most likely to serve their Purpose; and it has always gone ill with *England*, when our Kings have made an intimate Friendship with the *French* King, as we may remember by woeful experience.

Let us consider, besides, that no people under the Sun are at this day so noted for treachery and cruelty as the *French*, of which they have given such pregnant Instances upon the *Protestants*

ſtants of their own Nation, and in their New Conqueſts, as were never done by the moſt Barbarous and Uncivilized People. For after Terms agreed on, and ſubmitted to, yet without any new Provocation, or other occaſion given by thoſe poor Creatures, the *French* have fallen upon them, taken from them that little that was left, and in cold Blood Murthered them, ſparing neither Age nor Sex; and ſhall not we then think our ſelves in a comfortable Condition, when we have ſuch Task-Maſters as theſe ſet over us?

But it ſeems theſe are they by whom King *James* hopes to be reſtored to his Kingdoms; it is by theſe that he means to do his Work, and they are the Inſtruments he will imploy to make the Settlement he deſigns in *England*; for in his Declaration he plainly tells us, That if thoſe he brings over with him are not ſufficient, he has more of the ſame ſort ready at hand.

Now, tho a Reconciliation with King *James* were practicable under a Suppoſition that there could be any moral aſſurance that he would ſacredly keep his Word, and that he had more juſt and righteous Intentions then heretofore; yet to come in ſuch Company, and to bring

ſuch

ſuch a Train along with him, makes it impoſſible to all thoſe who have not abandoned all Sence of Religion and Morality, and are not reſolved to run into all the Exceſſes of Cruelty and Oppreſſion.

But that nothing might be wanting to give Succeſs to this fatal Enterprize, and make our Ruin more certain, ſeveral Perſons in *England*, I believe ſome in every County, were not only privy, but conſenting to it, and had prepared Horſes and Arms to aſſiſt the *French* at their Landing; yet of what Profeſſion or Communion they are, I forbear to name, and leave that to be explained when they are called to account; and therefore only ſhall ſay in general, That they who could ſo take the *French* by the Hand, may well be ſuppoſed to have renounced the Proteſtant Religion, and the Intereſt of their Country, and all Bowels of Compaſſion to their Poſterity, and are reſolved to keep pace with the *French* in the Murthers and Havock they ſhall commit; for there is no looking back, after being engaged in ſuch undertakings; the leaſt remiſneſs would render them ſuſpected, and bring them in danger to be involved in the Common Deſtruction.

After

After all this, what these Men will call themselves, I know not, for they cannot pretend to the Name of Protestants and *English* Men; what they deserve, I shall leave to the Law, which is to judge them.

What we are always to expect at their hands, when they shall have Power and Opportunity, I think without breach of Charity, I may adventure to say, is all the Mischief and Ruin that our greatest Enemies would bring upon us.

What we are to do, is to bless God for bringing the design to light before it took effect; and to do our best endeavours to detect those who are concerned in this unnatural Design, that Justice may pass upon them.

For, are not such as these more to blame then any others, who were to have a hand in this matter? Was it not more unnatural and unreasonable for them to joyn with the *French*, than for the *French* to have such a design against us? Would not their joyning in it have been the chief Inducement to bring in the *French* upon us? For such an Attempt is altogether impracticable, without holding an effectual Correspondence here, or else to surprize us, when we are together by the Ears

in

in a Civil War; so that in effect it is they that had brought all the Desolation that would have fallen upon their Native Country, if that design had but once taken effect.

He that can be consenting and assisting to the rooting out of the *Protestant* Religion, and ruin of his Country; what other thing is there that can be so bad, which such a one would refuse upon the score of Honour and Conscience?

May not a Man, without being thought severe, say, What profligate Wretches are these? What Accommodation can be made with such Persons? And what security from them can be hoped for longer, then they want opportunity to hurt us?

Is it not then the Duty of every Man that hath any concern for his Religion or Property, to do what in him lies to discover and bring these Projectours of our Ruin to Justice?

Perhaps you may not receive any clear Information, such as will legally convict any Person of being engaged in the design I have mentioned; but you may recieve such Information as will convince any reasonable Man, that they are concerned in this, or some other foul Practice against the Publick Peace.

Those

Thoſe who have refuſed the Oaths to this King and Queen cannot be ſuppoſed to be altogether unconcerned for King *James*; but if any ſuch had provided themſelves with Arms, or unuſual Numbers of Horſes, this is what ought not to be paſſed over unregarded: It muſt be for ſome purpoſe that they had ſo furniſhed themſelves, for People do not uſually put themſelves to that Expence, but when they have a proſpect of making uſe of them; their refuſing the Oaths is evidence ſufficient that they did not deſign thoſe Horſes and Arms for the Service of the Government; then it will naturally follow, that it was againſt the Government, for there is no medium in ſuch Preparations betwixt being for, or againſt the Government. He that is not with us, may in reaſon be ſuſpected to be againſt us.

If any Perſons, who have not taken the Oaths, and long before this Plot had provided themſelves with Arms, yet either upon a Rumour of ſearching for Arms have conveyed them away, or before that Report, had diſperſed them into hands that are not well affected to this Government, or elſe not duly qualified to keep ſuch Arms, theſe may juſtly

be ſuſpected of having ſome ill Intentions; or wherefore ſhould they put them into the hands of other People, but with a deſign to imploy thoſe Perſons in the uſing of them, and then can any Man ſuppoſe, that it was intended for the Service of this Government?

There is a Report of a ſort of People, who for ſome Months before the time that K. *James* intended to Land here, talked very much of it, and what powerful Aſſiſtance *France* would give him for that purpoſe: If you, *Gentlemen*, ſhall be informed of any ſuch, it is your Duty to take notice of it, becauſe it is plain by what has come to light, that they did not ſpeak without book; they could not make ſuch Diſcourſes for want of having ſomething to ſay, but to incourage People to come into it, and to promote the deſign. For Men do not purpoſely bring on ſuch Diſcourſes as will render them ſuſpected, and bring them under the diſpleaſure of the Government, but out of a proſpect of ſome advantage.

I do alſo hear that ſeveral, who had formerly taken the Oaths to this King and Queen, did about the time that this Deſign ſhould have

have been put in Execution, refuſe the Oaths, being upon occaſion tendered to them and others, that at that time did wiſh they had not taken them.

If, *Gentlemen*, you ſhall be informed of any ſuch, you ought not to paſs it over in ſilence; for by their refuſing the Oaths at ſuch a time, they juſtly rendered themſelves ſuſpected, that they were at leaſt privy to that intended Invaſion of the *French*, it being a vain Excuſe to pretend they did it out of Conſcience; for if they thought it lawful heretofore to take the Oaths, how comes it to be leſs lawful now? But if ſome prudential Conſideration, and not Conſcience, prevailed with them at firſt to take the Oaths, there is then very little reaſon to imagine, that there was more of Conſcience in refuſing the Oaths at that, or any other time; but rather that they were making fair weather againſt ſome expected Revolution, for otherwiſe, why of all others was that time pick'd out to diſcover an Averſion to this Government?

Gentlemen, If any endeavour to leſſen the Victory we had at Sea this *Summer*, and to cry up the Naval Force of *France*, thoſe do bring

themſelves under the Suſpicion of being no ill Wiſhers to the late deſign of the *French*; for wherefore ſhould any deſire to make our Succeſs to appear leſs than it is, if he were not ſorry that We had got the better? And wherefore ſhould he extol the *French* Power at Sea, if his good Wiſhes did not attend their deſigns, or elſe did thereby hope to keep up the hearts of that *Jacobite*, *Frenchified* Party, that they ſhould not deſpair, but expect ſome favourable Opportunity to put their deſign in Execution? For they muſt intend either good or bad to us thereby; and which was moſt likely, I leave to every Man to judge.

I mention theſe things, not that I am of Opinion, That any or all of them put together, without ſome other direct proof, is evidence ſufficient to convict a Man upon a Tryal; for God forbid that any Man ſhould be condemned but upon a fair Tryal and clear Evidence.

But I take notice of theſe things as they do render Perſons juſtly ſuſpected to be privy to, or approving of the late Deſign againſt this Nation, which as every honeſt Man ought to abhor, ſo it is his duty to keep a watchful Eye

eye over them; becauſe I am far from being of an Opinion that they have given this Deſign over as a loſt Game, by reaſon that it was laid ſo broad and deep, and ſo many are concerned in it, that the ſucceſs of it is of the laſt conſequence to them, their only ſafety being placed in it; And beſides, becauſe of the encouragement they do receive from the unfortunate Diviſions that are amongſt us.

And there is yet another thing which I apprehend, is no ſmall cauſe of encouragement to them, and that is the little haſte made by the Government to call them to account.

Of all the Ills of the two laſt Reigns, in my opinion nothing was ſo treacherous and deviliſh as that of making Parties amongſt us, that we might become our own deſtroyers; for as it was the ſureſt method to effect our deſtruction; ſo if any thing ſhould interpoſe to prevent our ruin, yet nothing is more difficult than to make up ſuch a breach; and therefore the beſt that could be hoped for from it, was to entail upon this Nation heart-burnings, and all the fatal conſequences of it.

I have

I have the charity to hope that many who helped to carry on that ruinous design, did it more out of ignorance, than out of any ill intention: I believe the *Arbitrary Sermons* being delivered as the Oracles of God, might draw in a great many unwary people; others might comply out of hopes of Preferment, or fear of being harrassed by some powerful Neighbours. But as new light is sprung up, so I wish from my heart, that men would walk accordingly. If any man was misled in the late times, it is not his shame, but duty, as a wise and honest man, to repent of his Errour, and forsake it; for he that shall be convinced of it, and yet will persist in it, will find very few to whom his obstinacy will recommend him.

If any do think they were in the Right, when they serv'd as Bauds to the Arbitrary Lusts of the two Late Kings; I heartily pity them, for their case is desperate; yet I am perswaded that none of them would of choice have had such a power exercised upon themselves; and if so, they must grant, that what they would not have done to themselves, is not lawful for them to do, or bring upon others.

If

If they adhere to what they did, either out of hopes of Preferment, or fear of being crushed by those in power, they must believe that this King and Queen are resolved to go by the same Methods that were taken in the two Late Reigns, or else that nothing else will make this King and Queen safe and glorious.

Were the rest of mankind of this Opinion, this World would be a miserable place; surely mankind was born for some nobler End than so; or else one would suppose that God had made man not after his own Image, but rather that of an Ass, or something else that is beneath a Rational Creature.

For is it not ridiculous, that any thing should be more excellent and knowing than that which is to govern it? Is an insatiable desire of Power preferable to that Reason with which man was indued at his Creation? Must a man give up that to which he has a clear right both by the Laws of God and his Countrey, because another who is at that time guided by his passion desires to lay hold of it? What Justice can any man promise to himself, when Passion is above the *Law*? What signifies Law, if the *King's Will* must be the measure of our Obedience? To what purpose are Parliaments,

ments, and all those other Provisions, which our Forefathers made to preserve our Liberties, if Prerogative were in truth that Omnipotent thing, which it boasted it self to be in the late Reigns?

That man is surely out of his way, that is beside his Reason: Had men been guided by it, and nothing else, there had been no misunderstandings about Government. Reason will not mislead us, but other things will; be resolved to follow that, and you will be sure to approve your selves in the sight of God and man.

Having said this, I will now proceed to the Particulars of your Enquiry.

The first of which is, High Treasons; of which there are several sorts and Species, both at Common-Law, and by Statute-Law; but those only that are made such by some Statutes, are those that fall within your Enquiry.

To compass or imagine the Death of the King or Queen, and that declared by some Overt and plain Act, is High-Treason by the 25 *Edw.* III. but such Acts must be direct and clear, void of all Implication, or other Construction,

ſtruction, or elſe it will not make it Treaſon within this Statute; for this Statute was made to take away conſtructive Treaſons, and thereby relieved the Subjects againſt an unſpeakable evil, under which they had laboured for many years; for till then the Judges took an extravagant Liberty in ſtamping Treaſon upon almoſt any Offence that came before them, which coſt many an innocent man his Life, contrary to all Reaſon and Juſtice; ſo that this Statute was a very beneficial Law for the Subject.

To levy War againſt the King or Queen in their Realm, or to adhere to their Enemies in the Realm, or to give them comfort here, or elſewhere, is High-Treaſon by the ſame Statute.

But a Conſpiracy to levy War, is not Treaſon, unleſs the War be actually levied, though the contrary Opinion prevailed in the late Times, whereby ſeveral worthy men were murthered.

It was a very far-fetched Opinion, and could never have obtained but in that or ſome other corrupt Age, when all Law and Juſtice was given up to the Will and Pleaſure of the King: For my Lord *Coke* is expreſs in it;

That unleſs the War is actually levied, it is not Treaſon; and I remember in the Debate in the Houſe of Lords upon the Bill for reverſing my Lord *Ruſſel's* Attainder, the Lords were unanimouſly of opinion that it was not Treaſon, and upon that ground chiefly they paſſed the Bill.

To counterfeit the Great Seal is High-Treaſon by 25 *Edw.* 3. and very good reaſon it ſhould be ſo, becauſe of the great Authority it carries along with it; it would be often attempted to be done, and thereby innumerable miſchiefs would follow, and breed a great deal of confuſion.

To counterfeit the King's Money, or to bring in falſe and counterfeit Money, knowing it to be ſuch, to make payment with it, is High-Treaſon by 25 *Edw.* III. and ſo it is to clip, file, or waſh Money, by 3 *Hen.* V. and very good reaſon it ſhould be ſo, for theſe, and every of them, is a great Offence againſt the Publick; for Mony being as it were the Sinews of the Nation, to impair or counterfeit it, is a great loſs and damage to the Publick; ſo that the Offence in ſo doing, is not becauſe it is marked with the King's Image; for the *French* Money, and the

Spaniſh

Spaniſh Coin and others are current in *England*, which have not the King's Image upon them; but the true reaſon is becauſe of the great intereſt the Publick has in it; and it would be the ſame thing if the Money had any other Stamp or Size put upon it by Publick Authority.

To kill the Chancellor, Treaſurer, or the King's Juſtices, being in their Places, doing their Offices, is High-Treaſon by 25 *Edw.* III. It is very great reaſon that they who ſerve the Publick in ſuch eminent Stations, ſhould have the publick protection; for when they faithfully and honeſtly diſcharge their ſeveral Truſts, the Publick receive great advantages by it, and therefore this Offence was made High-Treaſon.

To counterfeit the Sign-Manual, Privy-Signet, or Seal, is High-Treaſon by 1 *M.* 6. and I think it is ſo by 25 *Edw.* III. to counterfeit the Privy-Seal. And the reaſon why the Offences in theſe Caſes are made ſo capital, is, becauſe of the great detriment they bring upon the Publick.

To extol a Foreign Power is High-Treaſon by 1 *Eliz.* and very fit it ſhould be ſo; for every man will allow it is a great Offence to

ſet up any other Power in oppoſition to the Publick Authority.

For a Prieſt or a Jeſuit to come and abide within this Realm, is High-Treaſon by 27 *Eliz.* I believe a great many people have been under a very great miſtake in this matter, ſuppoſing it was upon the Score of Religion, that the Prieſts and Jeſuits were put to death; whereas it was quite otherwiſe; for it was upon a Politick account that they ſuffered, it was for an Offence againſt the Government, that they were executed: For it having been found by experience, that this ſort of Vermin by their Doctrine and Practice ſowed the Seeds of Diviſion, and thereby wrought great Diſturbances in the Nation; it was therefore thought fit by the Parliament to take this way as the moſt effectual to keep them out; for as what they did, amounted to nothing leſs than Treaſon, ſo it was highly reaſonable that the puniſhment ſhould be commenſurate to the Offence. And ſince it is become a Law of the Realm, if this ſort of people will be ſo preſumptuous as to break it, they have no body to blame but themſelves, if they ſuffer by it; for it is a very juſt and reaſonable Law.

To

To abſolve any from their Allegiance, or to be abſolved, is High Treaſon, by 3 *Jac.* 1. the Law does heighten or abate the Puniſhment, according as the Offence does more or leſs affect the Publick Peace; ſo that the more it tends to the Publick Prejudice, the greater is the Offence; and what can ſtrike more directly at the ruin and overthrow of the Nation, than to withdraw the People from their Allegiance, and to become the Deſtroyers of their Native Country? And ſince thoſe that abſolve, and thoſe that are abſolved, have thereby declared themſelves Enemies to the Nation, it is very fit the Government ſhould treat them as ſuch.

The next Offence is Petty-Treaſon; as for a Wife to kill her Husband, a Prieſt his Ordinary, a Servant his Maſter; theſe are made ſo Capital, becauſe of the Obedience and Subjection which they ought to pay, by reaſon of the Power and Authority which the Law gives the other over them.

The next Offence is Felony, and it is either againſt the Perſon, or the Goods, or Poſſeſſion.

Againſt

Againſt the Perſon of another:

To kill another with Malice prepenſed, either expreſſed or implyed, is Murther.

Deſignedly to cut out the Tongue, maim or disfigure another, is Felony without benefit of Clergy.

To Stab or Piſtol another, without a Weapon be drawn, or a Blow given by the Party that is ſlain, is alſo Felony without benefit of Clergy.

And ſo is Buggery with Man or Beaſt, a Sin that could never have entered into the thoughts of Man, till they were fallen to the loweſt degree of Depravity.

So it is to Raviſh a Woman, that is to have the Carnal Knowledge of her Body againſt her Conſent; and ſo it is to lye with a Child under Ten years old, tho with her Conſent.

So is Witchcraft; but it is an Offence very hard to prove.

So is Poyſoning, the moſt Secret and Treacherous way of Murthering, of all others; an Offence ſo abhorred by the Law, that by Statute 22 *Hen.* 8. *c.* 9. it was made Treaſon, and the Judgment was, to be boil-

ed

ed to Death; but it is ſince altered and made Felony, by 1° *Edward 6th. c.* 12. It is ſurely an Offence that deſerves a ſevere Puniſhment, becauſe there is no Fence againſt it: In all other Caſes a Man has ſome means of defending himſelf, but in this none.

All theſe Felonies are Death without benefit of Clergy.

Manſlaughter is when two fall out, and Fight immediately, or ſo ſoon after, as it may be ſuppoſed that that heat continued, and one of them is Slain: Here there is benefit of the Clergy, becauſe there does not appear to be any premeditated Malice.

To kill another by Accident, doing a lawful Act is Chance-medly; and if a Man is aſſaulted by another, and in his own Defence he happens to kill him, theſe the Law pardons of courſe.

Felonies againſt the Goods or Poſſeſſion of another, are ſuch as theſe, *viz.*

To Rob on the High-way; for the Law will protect the Goods and Perſons of thoſe who are upon their lawful Occaſions; and it is very reaſonable that thoſe who Travel on the Road, ſhould have ſome ſuch Guard, or elſe

elſe the Trade and Buſineſs of the Nation would be very much obſtructed, and ſuffer great damage.

To take away any thing privately from the Perſon of another; if the Puniſhment of this were not great, it would become a great Trade, for it is ſo eaſily done, and ſo hard to be prevented, that a Mans Money would be ſafer any where, than in his Pocket.

To ſteal a Horſe.

Deſignedly to burn a Stack of Hay or Corn; if it be done by Accident, it is but a Treſpaſs; but being done by Deſign, it carries ſo much Malice and Wickedneſs along with it, that it juſtly deſerves to be puniſhed with Death.

To Rob a Church.

To break into a Houſe, and take any thing thence by Night, or by Day; for this carries a double Offence along with it; for the Goods of another are not only Felonioufly taken from him, but he is alſo put in fear of his Life, where he ought to be moſt ſecure, and undiſturb'd, which the Law accounts a great Offence.

To

To rob any Booth in a Fair or Market; This became ſo common a Trade, that all other Remedies to prevent it proved ineffectual; and therefore it was made Felony without benefit of Clergy, as are the reſt that I have mentioned.

The Acceſſories to all theſe and other Felonies, do fall within your Enquiry; for generally where benefit of Clergy is taken away from the Principal, the Acceſſories before the Fact are likewiſe to ſuffer Death; and good reaſon is it, that he who is partaker in the Crime, and without whoſe concurrence and aſſiſtance it could not have been effected, ſhould fall into the like Condemnation.

Petty-Larceny is the ſtealing of a thing that is under the value of 12 *d.* though it is a ſmall Offence, yet the frequency wherewith it is committed, requires your care to ſuppreſs it; for the truth is, there is a parcel of idle wandring People, whoſe whole buſineſs is to go from place to place to ſtrip Hedges, and commit ſuch like Offences.

There are ſeveral other Offences that are inquirable of by you, but I omit

to mention them, because I believe your own Observation will help you therein: Only thus much I will observe in general, that whatever is an Offence against the Publick Peace or Plenty, falls within your Enquiry. And having said this, I will keep you no longer from your Business.

FINIS.

Books Printed for *Richard Baldwin.*

State-Tracts. In Two Parts. The First Part being a Collection of several Treatises relating to the Government, *Privately printed in the Reign of King Charles* II. The Second Part consisting of a farther Collection of several Choice Treatises relating to the Government, from the Year 1660. to 1689. Now published in a Body, to shew the Necessity, and clear the Legality of the late Revolution and our Happy Settlement under the Auspicious Reign of Their Majesties King *William* and Queen *Mary*.

A Brief Disquisition of the Law of Nature, according to the Principles and Method laid down in the Reverend Dr. *Cumberland*'s (now Lord Bishop of *Peterborough*'s) *Latin* Treatise on that Subject. As also his Confutation of *Mr. Hobb*'s Principles put into another Method. With the Right Reverend Author's Approbation.

The Life of *Lewis* of *Bourbon*, late Prince of *Conde*. Digested into Annals, with many curious Remarks on the Transactions of *Europe* for these last 60 Years. *Done out of* French.

The Tragedies of the *Last Age*, consider'd and examin'd by the Practice of the Ancients, and by the common Sense of all Ages; in a Letter to *Fleetwood Shephard*, Esq; The Second Edition.

A short View of Tragedy; its Original, Excellency, and Corruption: With some Reflections on *Shakespear* and other Practitioners for the Stage. Both by Mr. *Rymer* Servant to Their Majesties.

Travels into divers parts of *Europe* and *Asia*, undertaken by the *French* King's Order to discover a new Way by Land into *China*; containing many curious Remarks in Natural Philosophy, Geograghy, Hydrography, and History. Together with a Description of *Great Tartary*, and of the different People who inhabit there. Done out of *French*. To which is added, A Supplement extracted from *Hakluyt* and *Purchas*; giving an Account of several Journeys over Land from *Russia*, *Persia*, and the *Moguls* Country to *China*, together with the Roads and distances of the Places.

Liturgia Tigurina: Or, The Book of Common Prayer and Administration of the Sacraments, and other Ecclesiastical Rites and Ceremonies, usually practised, and solemnly performed in all the Churches and Chappels of the City and Canton of *Zurick* in *Switzerland*, *&c.*

A New, Plain, Short, and Compleat *French* and *English* Grammer; whereby the Learner may attain in few Months to speak and write *French* correctly, as they do now in the Court of *France*. And wherein all that is dark, superfluous and deficient in other *Grammars*, is plain, short, and methodically supplied. Also very useful to *Strangers*, that are desirous to learn the *English* Tongue: For whose sake is added a Short, but very Exact *English* Grammar. The Third Edition, with Additions. By *Peter Berault*.

Memoirs

Memoirs concerning the Campagne of Three Kings, *William*, *Lewis*, and *James*, in the Year 1692. With Reflections upon the Great Endeavours of *Lewis* the 14th to effect his Designs, of *James* the 2d. to Remount the Throne. And the proper Methods for the Allies to take to hinder both

The Speech of the Right Honourable *Thomas* Earl of *Stamford*, Lord *Gray* of *Groby*, &c. at the General Quarter-Sessions held for the County of *Leicester* at *Michaelmas*, 1691. His Lordship being made *Custos Rotulorum* for the said County, by the late Lord Commissioners of the Great Seal.

The Speech of the Right Honourable *Henry* Earl of *Warrington*, Lord *Delamere*, to the Grand Jury at *Chester*. April 13. 1692.

An Answer to the Late King *James*'s Declaration, dated at St. *Germains*, *April* the 17th. S. N. 1693.

An Account of the late Terrible Earthquake in *Sicily*; with most of its Particulars. *Done from the* Italian *Copy printed at* Rome.

Reflections upon the Late Horrid Conspiracy contrived by the *French* Court, to Murther His Majesty in *Flanders*: And for which Monsieur *Granvall*, one of the Assassinates, was Executed

A True and Exact Account of the Retaking a Ship called, *The Friend's Adventure of* Topsham, from the *French*, after she had been Taken six Days, and they were upon the Coasts of *France* with it four Days; where one *Englishman* and a Boy set upon Seven *Frenchmen*, killed Two of them, took the other Five Prisoners, and brought the Ship and them safe to *England*. Their Majesties Customs of the said Ship amounted to 1000*l.* and upwards. Performed and written by *Robert Lyde*, Mate of the same Ship.

Reflections upon Two Pamphlets lately published; one called, *A Letter from Monsieur* de Cros, *concerning the Memoirs of* Christendom. And the other, *An Answer to that Letter*. Pretended to have been written by the Author of the said Memoirs. By a Lover of Truth.

Europe's Chains Broke; or a sure and speedy Project to rescue Her from the Present Usurpations of the Tyrant of *France*.

The Gentleman's Journal. Or, The Monthly Miscellany. In a Letter to a Gentleman in the Country. Consisting of *News*, *History*, *Philosophy*, *Poetry*, *Musick*, *Translations*, &c. Vol. II. *June* 1693. Where are to be had Compleat Sets for the Year 1692. or Single ones, for last Year.

Bibliotheca Politica. Or, A Discourse by way of Dialogue, upon these Questions, Whether by the Ancient Laws and Constitutions of this Kingdom, as well as by the Statutes of the 13th and 14th of King *Charles* the II. all Resistance of the King, or of those commissioned by him, are expresly forbid, upon any Pretence whatsoever. And also, Whether all those who assisted his Present Majesty King *William*, either before or after the coming over, are guilty of the breach of this Law. Collected out of the most Approved Authors, both Ancient and Modern. Dialogue the Ninth. Where are also to be had the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Dialogues.

Saul at *Endor*; or the Ghost of the Marquis *de Louvois* consulted by the *French* King, concerning the present Affairs. Done out of *French*.

On *Thursday* next will be publish'd, *Nevil Pain*'s Letters.

34/9005